HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.11161 of 1999

Dated 11th day of April, 2007

Between:

D. Venkata Appala Raju (died)
and two others ..
Petitioners

And

The Government of A.P., rep. by
its Secretary, Revenue Dept.,
Secretariat, Hyderabad
and three others ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in not releasing the amount of Rs.1,03,318/- towards compensation for the trees existing in the land, which was taken possession of from the 1st petitioner, as arbitrary and illegal.

The brief facts of the case are that petitioners 2 and 3 are the legal representatives of the 1st petitioner, who filed declaration under Section 8 of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short "the Act") to declare his landed property. After due enquiry, the authorities declared the surplus land possessed by him. Finally, the 2nd respondent issued a Notification dated 8.8.1989 under Section 11 of the Act vesting the surplus land in the Government Gazette Part II Extraordinary, wherein, it is clearly stated that the 1st petitioner is entitled to a sum of Rs.1,03,318/- towards compensation for the trees existing in the land and a further sum of Rs.9,634/- towards value of that land. Later, the 1st petitioner received only the amount towards value of the land. Now, the petitioner's grievance is that the respondents have not released the compensation so far.

Heard the learned counsel for both the parties.

In spite of the fact that notices were served on the respondents, they have not chosen to file counter affidavit.

From a perusal of the affidavit filed in support of the writ petition, it is clear that the authorities fixed an amount of Rs.1,03,318/- towards compensation for the trees existing in the land belonging to the 1st petitioner. When the amount of Rs.9,634/- towards value of the land

was released in favour of the petitioners there is no reason for not releasing the amount of Rs.1,03,318/- towards compensation. Hence, the contention put forth by the learned counsel for the petitioners is accepted and the respondents are hereby directed to release the amount of Rs.1,03,318/- towards compensation as decided by the authorities, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. No costs.

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11.04.2007

bcj